



Arizona State Senate Issue Brief

November 14, 2006

Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series, which includes the *Issue Brief*, *Background Brief* and *Issue Paper*, is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Additionally, nothing in the *Brief* should be used to draw conclusions on the legality of an issue.

ARIZONA FOSTER CARE

INTRODUCTION

Children who have been removed from home by Child Protective Services (CPS) are placed in temporary out-of-home care, commonly called foster care, with a goal of permanency established for each child. The federal Adoption and Safe Families Act (ASFA) requires the child's health and safety to be the paramount concern when making decisions about out-of-home placement and permanency planning. ASFA also requires a child to be placed in the least restrictive, or most family-like, setting possible.

Arizona statute requires CPS to place a child in the least restrictive type of placement available, consistent with the needs of the child. The order of preference for placement is as follows: with a parent, with a grandparent, in kinship care with another member of the child's family including a person who has a significant relationship with the child, in family foster care, in therapeutic foster care, in a group foster home and in a residential treatment facility.

TYPES OF FOSTER HOMES

There are several types of foster homes: family foster homes, professional/therapeutic foster homes, group foster homes, respite and receiving foster homes. A family foster home is a licensed foster home that may have up to five foster children placed there, while group foster homes may have five to ten foster children. Professional/therapeutic foster homes are specially licensed to handle children who require special care for physical, mental or emotional reasons. Receiving foster homes are available any time of day for immediate placement of children who are taken into CPS custody. These homes are meant to be temporary placement for children, pending court action and a more permanent foster placement.

Kinship Care

The Department of Economic Security (DES) has established kinship foster care services to promote the placement of children removed from their homes with a relative,

including a person who has a significant relationship with the child. Kinship foster care parents are not required to be licensed foster homes but must sign an agreement with conditions of placement and must submit to a criminal records check, CPS central registry check and a DES home evaluation. Kinship foster care parents may also choose to be licensed foster parents.

FOSTER HOME LICENSURE AND SUPERVISION

DES is responsible for licensing foster homes. Beginning in August 2006, applicants may apply for and renew licenses online, which is expected to increase the efficiency of the licensing process. DES or a child welfare agency licensed by DES conducts an investigation of applicants for foster home licensure. The investigation considers the applicant's financial condition, physical and mental health, social history, religious background, a CPS central registry check, a state and federal criminal records check, and any other factors relevant to the fitness of the applicant.

Applicants are required to have a valid fingerprint clearance card and must sign a notarized certification that they have never been convicted of any criminal offense that would preclude them from obtaining a fingerprint clearance card. Foster home applicants must also complete 30 hours of approved initial foster parent training. Foster home licenses are valid for one year and may be renewed for additional one year periods with proof that the licensees have completed six hours of approved ongoing foster parent training and continue to maintain compliance with the factors relevant to fitness of the licensee.

When children are placed in a foster home, CPS is responsible for visiting with the child and foster parent in the home periodically to review the placement and progress of the child. Regular family foster homes, group foster homes and professional/therapeutic foster homes must be visited at least once every three months. Receiving foster homes must be visited at least once each month.

FINANCIAL ASSISTANCE FOR FOSTER FAMILIES

Foster Care Maintenance Payments and Other Assistance

Licensed foster parents receive foster care maintenance payments ranging from \$748-\$1,359 per month per child and daily clothing and personal allowances. The amount of maintenance payments varies based on the age and needs of the foster child. Unlicensed kinship foster caregivers are not eligible to receive foster care maintenance payments but receive daily clothing and personal allowances and may be eligible to receive cash assistance through Temporary Assistance for Needy Families (TANF). TANF cash assistance is approximately \$204 per month for one child and \$73 per month for each additional child. Other financial assistance is also available through DES for items such as diapers, books and school course fees, summer camps and other special needs.

For children eligible under Title IV-E of the federal Social Security Act, the federal government provides partial reimbursement to states for foster care maintenance. The federal reimbursement is approximately 66 percent of the cost for IV-E eligible children. A primary eligibility category for IV-E reimbursement is the monthly income of the child's household of removal. Monthly income must be below the standard used in 1996 for the Aid to Families with Dependent Children Program (AFDC – the welfare program that preceded TANF cash assistance).

These standards are as follows:

<u>Number of Persons in Household</u>	<u>1996 AFDC Needs Standard (Maximum Monthly Income)</u>
1	\$567
2	\$765
3	\$964
4	\$1162
5	\$1360
6	\$1559

The federal government also provides a 50 percent match for monies spent on foster care administration and 75 percent for training for IV-E eligible children. Congress recently acted to limit federal funding for administrative and training expenses.

The Deficit Reduction Act of 2005 (Public Law 109-171) changed federal law to prohibit the states from claiming administrative and training expenses related to children placed in unlicensed settings. Arizona will no longer receive federal administrative funding for unlicensed kinship caregivers. DES estimates that 2,800 IV-E eligible children are currently placed in these unlicensed settings.

Comprehensive Medical and Dental Program

DES provides comprehensive medical and dental care for children in foster care. If the child is eligible for coverage through the Arizona Health Care Cost Containment System (AHCCCS), the Comprehensive Medical and Dental Program (CMDP) serves as the AHCCCS provider for those children. Children not eligible for AHCCCS receive the same services through CMDP, but the funding for their coverage comes entirely from the state General Fund. Out-of-home caregivers are not charged fees or copayments for CMDP services.

FOSTER CARE REVIEW BOARDS

The Foster Care Review Board (FCRB) was established by the Legislature in 1978. The FCRB assists the courts by conducting citizen reviews, at least once every six months, of cases of children who are wards of the court placed in out-of-home care and making recommendations to the juvenile court. The purpose of the reviews is to advise the juvenile courts on the efforts made to place the child in a permanent home, to facilitate the timely return of the dependent child to the child's family whenever possible, to encourage stability in the child's placement and to assist in informing parents, foster parents and other interested parties of their rights and responsibilities.

There is one state FCRB and at least one local FCRB in each county. The state FCRB serves as an oversight body and establishes

training programs for board members. Statute requires the presiding judge of the juvenile court in each county to establish one local FCRB for every 100 children in out-of-home care. Local FCRBs are comprised of volunteers who are not compensated, but are reimbursed for expenses, and who are appointed by the presiding juvenile court judge to serve on the local FCRB for three years.

"AGING OUT" OF FOSTER CARE

Children who turn 18 years old while in foster care placement are said to have "aged out" of foster care. This process poses new challenges for those children and Arizona has several policies aimed at assisting this population of foster children.

Independent Living Services and Supports

Independent Living Services and Supports (IL), also known as the Arizona Young Adult Program, assists young adults in foster care in making successful transitions into their communities and becoming self-sufficient. The IL helps youths pursue goals related to education, employment, training, housing and physical and mental health, and may also include financial support. IL services are available to youths who are currently in foster care, age 16 and older, and to young adults ages 18 to 20 who were in foster care when they were teenagers. IL assistance and support is delivered through DES case managers as well as contract providers on a case-by-case basis.

Education and Training Scholarships for Former Foster Children

Education and Training Scholarships (ETS) are provided to assist foster youth and former foster youth with expenses related to education or training programs. To qualify for an ETS, young adults must have been in foster care at the age of 16 or 17 and must enroll in a postsecondary program recognized by the Arizona Department of Education. Recognized postsecondary programs include community colleges, public or private colleges, universities, private technical and vocational schools and public vocational schools. There must be a

financial need in order to receive an ETS. The application process considers school, training and living expenses, in addition to the young adult's income and financial resources. Young adults may receive financial assistance until they reach the age of 21; however, if young adults are in a recognized program at the time they turn 21, they may continue receiving assistance for that program until they reach the age of 23. Arizona receives federal grants for ETS, with a 20 percent state match requirement.

ADDITIONAL RESOURCES

- Department of Economic Security Division of Children, Youth and Families
www.azdes.gov/dcyf
- Child Welfare and Placement Statutes: Arizona Revised Statutes, Title 8, Chapter 5
- Administrative Office of the Courts Dependent Children's Services Division – Administers the FCRB Program
www.supreme.state.az.us/fcrb/default.htm
- Annual Appropriations Report, Joint Legislative Budget Committee
www.azleg.gov/jlbc.htm